



☐ Applicant submits that each item of information contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.

☐ **Under 37 C.F.R. § 1.97(i)**: Pursuant to 37 C.F.R. §§ 1.56 and 1.97(i), Applicant brings to the attention of the Examiner the documents listed on the attached PTO Form 1449. This IDS is being filed after the events recited in § 1.97(d). Applicant requests that the IDS be placed in the file.

☐ A search report or other listing of documents from a counterpart, related, or other application dated \_\_\_\_\_ and having documents cited thereon is attached for the Examiner's consideration. Any of these documents not previously cited, and any additional documents are listed on the PTO Form 1449.

☒ Applicant respectfully requests that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached form. As for any document listed on the accompanying PTO-1449 that is in a language other than English, relevance can be understood from an enclosed English abstract or at least partial translation or from mention in the specification or in a search report for a corresponding application. Further, the following relevancy statements pursuant to 37 C.F.R. § 1.98(a)(3)(i) is provided: SUZUKI *et al.* is a general article related to the inhibitory action of Maca ethanol extract on rat hind foot-pad swelling induced by inflammatory agents. The *Pharmicia* reference is a general article related to the corneal layer of epidermis. Consideration of these references are respectfully requested.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that any of the listed documents are material or constitute "prior art." If it should be determined that any of the listed documents do not constitute "prior art" under United States law, Applicant reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

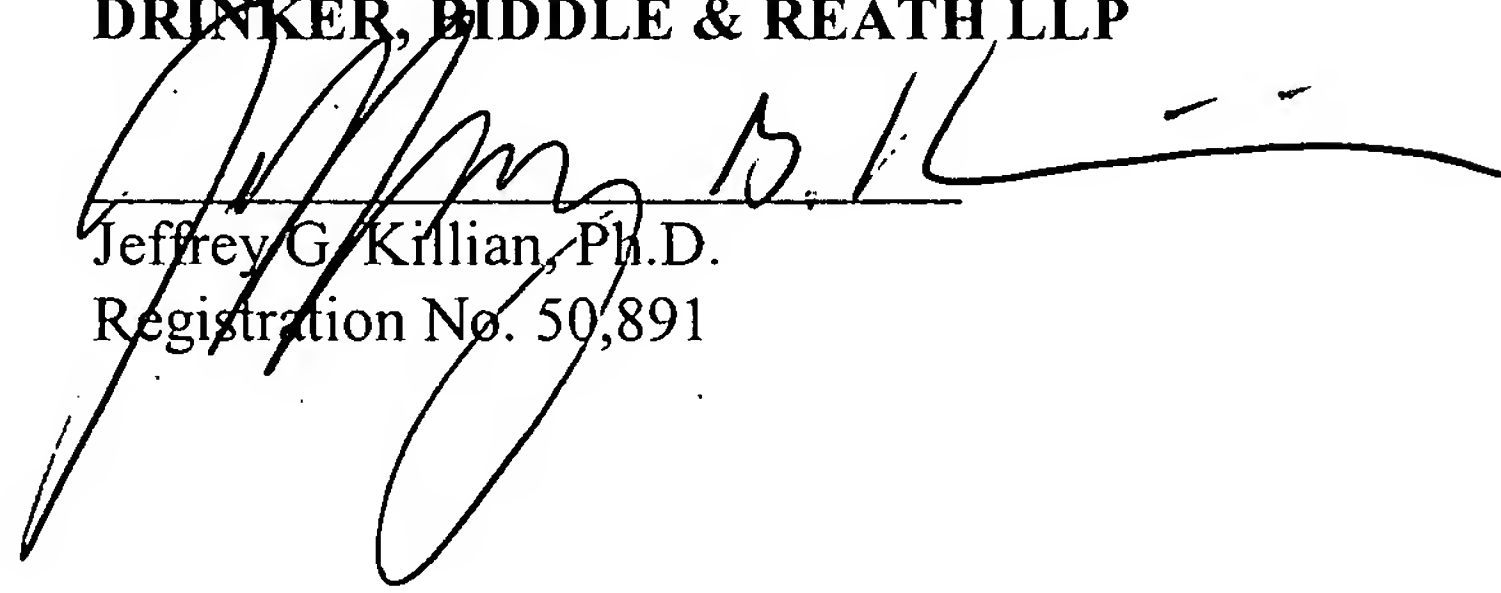
Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should any of the documents be applied against the claims of the present application.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this Application, including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required and including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**DRINKER, BIDDLE & REATH LLP**

Dated: September 5, 2007

  
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		Applicants Hirofumi KODA <i>et al.</i>		Page 1 of 1	
PTO Form 1449		Filing Date: September 29, 2006		Group Art Unit: 1617	

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 PATENT & TRADEMARK OFFICE

U.S. PATENT DOCUMENTS							
Initial		Document Number	Date	Name	Class	Sub Class	Filing Date
		6,267,995	July 31, 2001	LIN <i>et al.</i>			

FOREIGN PATENT DOCUMENTS								
		Document Number	Date	Country	Class	Sub Class	Translation	
							YES	NO

OTHER DOCUMENTS	
(Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.)	
	Pharmacia, 1998, pp. 783-787, Vol. 34, No. 8 [Japanese language]
	SUZUKI <i>et al.</i> , "Inhibitory Action of Maca Ethanol Extract on Rat Hind Foot-Pad Swelling Induced by Inflammatory Agents," <i>Medicine and Biology</i> , 2002, pp. 81-86, Vol. 145, No. 6, [Japanese language]

Examiner	Date Considered
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Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.